

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOSEPHINE LOGUIDICE AND EMILIE  
NORMAN,

Plaintiffs,

v.

GERBER LIFE INSURANCE COMPANY,

Defendant.

20-CV-3254 (KMK)

ORDER

KENNETH M. KARAS, United States District Judge:

For the reasons stated on the record at the Oral Argument on September 10, 2021, the Court denies in part and grants in part Defendant's Motion To Dismiss. The Court finds that Plaintiff Josephine Loguidice has standing to pursue her New York General Business Law ("GBL") Sections 349 and 350 claims as well as her common law fraud in the inducement claim with respect to the Grow-Up Plan, including her claim for injunctive relief. However, the Court dismisses all of Plaintiff Loguidice's claims as to the College Plan. The Court finds that Plaintiff Emilie Norman does not have standing for her claim of injunctive relief and thus that claim is dismissed. Plaintiffs Loguidice and Norman GBL Sections 349 and 350 claims and their claims for fraud in the inducement survive the instant Motion for the Grow-Up Plan as to both Plaintiffs and for the College Plan as to Plaintiff Norman only. The Clerk of the Court is respectfully directed to terminate the pending Motion. (Dkt. No. 34).

SO ORDERED.

Dated: September 10, 2021  
White Plains, New York



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KENNETH M. KARAS  
United States District Judge